

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: OXYCONTIN ANTITRUST LITIGATION

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04 Md. 1603 (SHS)

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PURDUE PHARMA L.P., et al.,

Plaintiffs,

-against-

AMNEAL PHARMACEUTICALS, LLC,

Defendant.

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This document relates to:

11 Civ. 8153 (SHS)

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PURDUE PHARMA L.P., et al.,

Plaintiffs,

-against-

EPIC PHARMA, LLC,

Defendant.

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13 Civ. 683 (SHS)

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PURDUE PHARMA L.P., et al.,

Plaintiffs,

-against-

IMPAX LABORATORIES, INC.,

Defendant.

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11 Civ. 2400 (SHS)

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PURDUE PHARMA L.P., et al.,

Plaintiffs,

-against-

MYLAN PHARMACEUTICALS INC., et al.,

Defendants.

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12 Civ. 2959 (SHS)

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PURDUE PHARMA L.P., et al.,	:	11 Civ. 2038 (SHS)
	:	12 Civ. 5615 (SHS)
Plaintiffs,	:	
	:	
-against-	:	
	:	
PAR PHARMACEUTICAL, INC.,	:	
	:	
Defendant.	:	
	:	
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PURDUE PHARMA L.P., et al.,	:	11 Civ. 4694 (SHS)
	:	12 Civ. 897 (SHS)
Plaintiffs,	:	12 Civ. 5082 (SHS)
	:	12 Civ. 7582 (SHS)
-against-	:	
	:	
SANDOZ INC.,	:	
	:	
Defendant.	:	
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PURDUE PHARMA L.P., et al.,	:	11 Civ. 2037 (SHS)
	:	12 Civ. 5083 (SHS)
Plaintiffs,	:	
	:	
-against-	:	
	:	
TEVA PHARMACEUTICALS, USA, INC.,	:	
	:	
Defendant.	:	
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**DECLARATION OF MATTHEW M. D'AMORE IN SUPPORT OF  
DEFENDANTS' OPENING CLAIM CONSTRUCTION  
BRIEF REGARDING U.S. PATENTS NOS. 7,683,072; 7,674,799; 7,674,800;  
8,114,383; 7,776,314; AND 6,488,963**

I, Matthew M. D'Amore, declare:

1. I am a partner with the law firm of Morrison & Foerster LLP, counsel of record for Defendant and Counterclaim Plaintiff Sandoz Inc. ("Sandoz"). I am an attorney duly licensed to practice law in the courts of the State of New York. I make this declaration in support of Defendants' Opening Claim Construction Brief Regarding U.S. Patents Nos. 7,683,072; 7,674,799; 7,674,800; 8,114,383; 7,776,314; and 6,488,963.

2. Attached as Exhibit 1 is a true and correct copy of U.S. Patent No. 7,683,072.

3. Attached as Exhibit 2 is a true and correct copy of U.S. Patent No. 7,674,799.

4. Attached as Exhibit 3 is a true and correct copy of U.S. Patent No. 7,674,800.

5. Attached as Exhibit 4 is a true and correct copy of U.S. Patent No. 8,114,383.

6. Attached as Exhibit 5 is a true and correct copy of U.S. Patent No. 7,776,314.

7. Attached as Exhibit 6 is a true and correct copy of U.S. Patent No. 6,488,963.

8. Exhibit 7 is intentionally left blank.

9. Attached as Exhibit 8 is a true and correct copy of a definition of "derive" from [www.thefreedictionary.com](http://www.thefreedictionary.com).

10. Attached as Exhibit 9 is a true and correct copy of an Amendment, dated Oct. 21, 2008 from the Prosecution History of U.S. Patent No. 7,776,314.

11. Attached as Exhibit 10 is a true and correct copy of a Response to Office Action, dated July 31, 2009 from the Prosecution History of U.S. Patent No. 7,776,314.

12. Attached as Exhibit 11 is a true and correct copy of the Declaration of J. Bartholomaeus, dated July 15, 2009 from the Prosecution History of U.S. Patent No. 7,776,314.

13. Attached as Exhibit 12 is a true and correct copy of the Declaration of H. Kugelmann, dated July 14, 2009 from the Prosecution History of U.S. Patent No. 7,776,314.

14. Attached as Exhibit 13 is a true and correct copy of the Declaration of H. Kugelmann, dated Sept. 17, 2009 from the Prosecution History of U.S. Patent No. 7,776,314.

15. Attached as Exhibit 14 is a true and correct copy of excerpts from the Expert Report of Benjamin C. Porter Pursuant to Federal Rule of Civil Procedure 26(a), dated April 26, 2013.

16. Attached as Exhibit 15 is a true and correct copy of excerpts from the Opening Expert Report of Martyn C. Davies, Ph.D. with Respect to All Defendants, dated April 26, 2013.

17. Attached as Exhibit 16 is a true and correct copy of excerpts from the Expert Report of Anthony Palmieri III, Ph.D, dated April 26, 2013.

18. Attached as Exhibit 17 is a true and correct copy of excerpts from the Expert Report of Fernando J. Muzzio, Ph.D, dated April 26, 2013.

19. Attached as Exhibit 18 is a true and correct copy of excerpts from the Rebuttal Expert Report of Martyn C. Davies, Ph. D. with Respect to Validity of U.S. Patent Nos. 7,776,314 and 8,114,383, dated May 24, 2013.

20. Exhibit 19 is intentionally left blank.

21. Attached as Exhibit 20 is a true and correct copy of an excerpt from Webster's Third New International Dictionary (2002).

22. Attached as Exhibit 21 is a true and correct copy of the definitions of "waterproof" and "bulletproof" from Merriam-Webster's online dictionary, m-w.com.

23. Attached as Exhibit 22 is a true and correct copy of excerpts from the Expert Report of Umesh V. Banakar, Ph. D, dated April 26, 2013.

24. Attached as Exhibit 23 is a true and correct copy of excerpts from the Rebuttal Expert Report of Martyn C. Davies, Ph. D. with Respect to Validity of U.S. Patent No. 6,488,963, dated May 24, 2013.

25. Attached as Exhibit 24 is a true and correct copy of an Office Action, dated January 1, 2001 from the Prosecution History of U.S. Patent No. 6,488,963.

26. Attached as Exhibit 25 is a true and correct copy of an Amendment, dated April 23 2001 filed in connection with the application of U.S. Patent No. 6,488,963.

27. Attached as Exhibit 26 is a true and correct copy of a Specification, dated March 2, 1999 from the Prosecution History of U.S. Patent No. 6,488,963.

28. Attached as Exhibit 27 is a true and correct copy of an excerpt from Webster's New World College Dictionary (3d ed.).

29. Attached as Exhibit 28 is a true and correct copy of an excerpt from Webster's Third New International Dictionary (1981).

30. Attached as Exhibit 29 is a true and correct copy of the Declaration of Mansoor M. Amiji, Ph.D., RPh., dated June 14, 2013, with exhibits.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on June 14, 2013, in New York, New York.

/s/ Matthew M. D'Amore  
Matthew M. D'Amore